

Message Text

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FOR SCS

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SUBJECT: GENERAL LEGAL PROBLEMS ENCOUNTERED BY U.S. CITIZENS ABROAD

REF: DEPARTMENT'S A-4446

IN THE PAST U.S. CITIZENS HAVE ENCOUNTERED VERY FEW LEGAL PROBLEMS IN PNG. FROM AN ESTIMATED TOTAL POPULATION OF 5200 AMERICAN, BOTH RESIDENTS AND TOURISTS, THE EMBASSY HAS HAD ONLY ONE ARREST CASE IN THE

PAST YEAR. THIS CASE INVOLVED A DRUG CHARGE AND DID NOT RESULT IN A JAIL SENTENCE.

LAWS AND PROCEDURES INVOLVING DETENTION OF AMERICAN CITIZENS:

AMERICANS AND OTHER EXPATRIATES ARE SUBJECT TO THE SAME LAWS AND PROCEDURES AS ARE THE CITIZENS OF PNG.

1. HEARING: PERSONS ARRESTED IN PNG ARE GENERALLY HELD IN POLICE CUSTODY FOR 2-3 DAYS WHILE AWAITING A HEARING. DURING THIS TIME HOWEVER, THEY ARE PERFECTLY FREE TO CONSULT THEIR LEGAL ADVISORS. IF THE COURT DECIDES TO PROCEED AGAINST THE PRISONER, A TRIAL IS THEN SET, AND NORMALLY HELD WITHIN THE MONTH.

2. BAIL - BAIL IS AVAILABLE AND USUALLY PLACED AT K100.00 (\$US 139.40) DURING THIS PERIOD, THE DEFENDANT MUST REPORT TO THE POLICE STATION DAILY.

3. LEGAL REPRESENTATION - IN PNG, THE COURT DOES NOT APPOINT A LAWYER

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FOR THOSE SUSPECTS WHO DO NOT HAVE THEIR OWN. THE PUBLIC SOLICITORS OFFICE PROVIDES LEGAL AID TO THOSE PERSONS WHO HAVE ANNUAL EARNINGS OF LESS THAN K3000 (US\$5160.00) THE MAJORITY OF BOTH PRIVATE AND PUBLIC SOLICITORS ARE EXPATRIATE THAT HAVE GRADUATED FROM LAW SCHOOLS IN AUSTRALIA AND ARE CONSIDERED TO BE QUITE COMPETENT.

4. PRISON: MOST PRISONERS ARE KEPT IN ONE LARGE CELL WHILE AWAITING

TRIAL. ONLY THOSE THAT HAVE COMMITTED SERIOUS CRIMES AND HAVE BEEN CERTIFIED DANGEROUS BY THE GOVERNMENT PSYCHIATRIST ARE PLACED IN SOLITARY CONFINEMENT. CONSULTATIONS WITH LAWYERS AND RELATIVES ARE PERMITTED.

5. COURTROOM PROCEDURES: - THE TRIAL BY JURY SYSTEM DOES NOT OPERATE IN PNG. CASES ARE HEARD BY EITHER A SINGLE JUDGE IN THE LOCAL COURTS OR BY A PANEL OF THREE JUDGES IN THE SUPREME COURT. THE ENTIRE COURT PROCEEDINGS ARE RECORDED AND COPIES OF THE COURT PAPERS CAN BE OBTAINED FOR 20 TOEA (US\$0.28) PER PAGE.

6. SENTENCES: THE SENTENCES FOR MOST OFFENSES IN PNG ARE LESS SEVERE THAN IN THE U.S.

7. DEPORTATION: - THE COURTS MAY RULE THAT AN AMERICAN IMPRISONED FOR SERIOUS OFFENSES MUST LEAVE THE COUNTRY UPON HIS RELEASE FROM JAIL. THE OFFENDER MAY BE BARRED FROM RE-ENTERING PNG WITHIN A CERTAIN NUMBER OF YEARS, OR FOREVER. THIS DECISION RESTS ENTIRELY WITH THE IMMIGRATION AND CITIZENSHIP BRANCH. MINOR OFFENDERS ARE USUALLY PERMITTED TO CONTINUE THEIR RESIDENCY.

OTHER LEGAL MATTERS:

1. ENTRY INTO PNG: AMERICANS MAY ENTER PNG ON TOURIST VISAS WHICH ARE VALID FOR TWO MONTHS. BEFORE THE VISA IS ISSUED, HOWEVER, THE PROSPECTIVE TOURIST MUST POSSESS A RETURN AIRLINE TICKET, AND HAVE K300.00 FOR EACH MONTH OF THE EXTENDED STAY (\$US517.60). THE VISA IS VALID FOR A SINGLE ENTRY ONLY.

2. RESIDENCE AND WORK PERMITS: WORK PERMITS MUST BE OBTAINED PRIOR TO ARRIVAL IN PNG. IN ORDER TO OBTAIN THE PERMIT, AN APPLICANT MUST

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HAVE HIS PROSPECTIVE EMPLOYER APPLY ON HIS BEHALF TO THE LABOR OFFICE FOR A LABOR CERTIFICATE. ONCE APPROVAL HAS BEEN GRANTED, THE EMPLOYER NOTIFIES THE APPLICANT WHO THEN CONTACTS IMMIGRATION OFFICE. WORK AND RESIDENCE VISAS ARE VALID FOR A PERIOD OF 24 MONTHS, AND MAYBE RENEWED FOR AN ADDITIONAL 24 MONTHS ONLY IF THE EMPLOYEE'S CONTRACT HAS BEEN RENEWED.

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